

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: GENERIC
PHARMACEUTICALS PRICING
ANTITRUST LITIGATION**

IN RE: CLOBETASOL CASES

IN RE: CLOMIPRAMINE CASES

**THIS DOCUMENT APPLIES TO:
*DPP BELLWETHER ACTIONS***

**MDL NO. 2724
16-md-2724**

DPP CASE: 16-CB-27241

DPP CASE: 16-CM-27241

ORDER

AND NOW, this 5th day of December 2024, upon consideration of the Motions to Exclude [16-CM-27241: Doc. Nos. 90, 91, and 102; 16-CB-27242: Doc. Nos. 139, 141, and 151] and the responses and replies thereto, and after hearings and arguments held on September 24-26, October 8, and October 10, 2024, and for the reasons set forth in the accompanying Opinion, it is hereby **ORDERED** that:

1. DPPs' motion to exclude the opinions of Dr. Gilbert is **DENIED** in part and **GRANTED** in part as it relates to testimony by Dr. Gilbert that economic evidence has no bearing on determining the difference between legal and illegal interdependent conduct.
2. Defendants' motion to exclude the opinions of Dr. McGuire is **DENIED** in part and **GRANTED** in part to the extent that Dr. McGuire opines that his conditional probability test demonstrates the existence of a "super" plus factor.
3. Defendants' motion to exclude the opinions of Dr. Leitzinger is **DENIED** in part and **GRANTED** in part as his opinions relate to his alternative overcharge calculations.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe
CYNTHIA M. RUFE, J.